



# Guidance on Resolving Complaints about Schools

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## **1 Introduction**

- 1.1 In accordance with Section 29 of the Education Act 2002 every school must have a procedure in place to deal with concerns and complaints raised about any service the school provides. Responsibility for maintaining and monitoring the procedure, and publicising it, lies with the Governing Body.
- 1.2 This document is intended to provide guidance and support for schools for the handling and investigation of complaints.
- 1.3 The school considers that there is a difference between a complaint and a concern.
- a. A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. Ensuring that informal concerns are dealt with effectively and seriously in the earliest stages will reduce the total number of concerns developing into formal complaints.
  - b. A complaint can be defined as *'any expression of dissatisfaction about something which the school its pupils or its Governing Body have or have not done, or about its policies, and which requires a response'*.
- 1.4 For the purpose of this policy, the School uses the word 'complaint' to cover both situations.
- 1.5 The scope of complaints in a school is non-exhaustive and it could include the actions of another pupil, a teacher, the curriculum, transport safety or catering-any number of aspects of school life. In most cases the class teacher or the individual delivering the service will be approached initially and will attempt to resolve issues on the spot. However, more formal complaints will often be received when, for example, a Parent or Guardian believe that the child's education is being affected and that either the initial informal approach has not resolved the matter or where the matter is deemed too serious or urgent that the matter must be escalated directly to the formal stage.
- 3.5 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Campsbourne School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **2 Why complaints matters**

- 2.1 Complaints provide a continuous source of feedback from the school's wider community covering every aspect of the school. An effective and efficient process

for investigating complaints can provide valuable feedback leading to many benefits for a school and its community.

- 2.2 A well-established complaints procedure demonstrates that the school takes complaints seriously and listens to its community. In addition:
- a. It contributes positively to the image and credibility of the school
  - b. It leads to improved confidence and satisfaction within the local community
  - c. It can serve as an early warning sign to identify any areas where things are not running smoothly
  - d. It keeps complaints within schools, preventing dissatisfied members of the community from taking complaints further to other external bodies
- 2.3 An effective complaints procedure should:
- a. Encourage resolution of problems by informal means wherever possible
  - b. Be easily accessible and publicised
  - c. Be simple to understand and use
  - d. Be impartial
  - e. Be non-adversarial
  - f. Allow swift handling with established time limits for action and keeping people informed of the progress
  - g. Ensure a full and fair investigation by an independent person where necessary
  - h. Respect people's desire for confidentiality
  - i. Address all of the points at issue and provide an effective response and appropriate redress where necessary
  - j. Provide information to the school's senior management team so that services can be improved

### **3 Alternative complaints procedures**

- 3.1 Not all areas of complaint are appropriate for schools to resolve themselves. For the following there are statutory procedures to be followed:

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• </li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs (SEN), should be raised with SEN.</p> <p>Tel: 020 8489-3264</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Multi-Agency Safeguarding Hub (MASH).</p> <p>Mon to Fri 8:45am to 4:45pm: 020 8489 4470</p> <p>Out of hours: 020 8489 0000</p> <p><a href="mailto:mashreferral@haringey.gcsx.gov.uk">mashreferral@haringey.gcsx.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the Anchor Approach Relationships and Behaviour Policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff, volunteers and contractors.</p>
<ul style="list-style-type: none"> <li>• Employment related matters</li> </ul>	<p>The School operates a series of policies that cover the employment relationship, for example:</p> <ul style="list-style-type: none"> <li>• Grievance Policy</li> <li>• Disciplinary Policy</li> <li>• Code of Conduct</li> </ul> <p>Complaints of this nature are dealt with under the school's relevant internal policy and procedure.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

Table 1: List of complaints that are not dealt with under this procedure

- 3.2 Where other bodies are investigating aspects of the complaint, for example the Police, Local Authority (LA) or Tribunals, this is likely to impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 3.3 If a complainant commences legal action against Campsbourne School, Governing Body and or its staff or Governors in relation to their complaint, it may no longer be appropriate for the complaint to continue to be investigated under this process therefore we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

#### **4 Discriminatory Incidents**

- 4.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 places specific duties on school Governing Bodies to draw up and publish equality objectives every four years and annually publish information demonstrating how they are complying with the general public sector equality duty.
- 4.2 Should an incident perceived to be racist or discriminatory in nature be reported to the school by a pupil('s) parents' guardians/carers or a member of staff the school's staff management is advised to check guidance set out in any policies such as the School's Anchor Approach Relationships and Behaviour Policy for dealing with discriminatory incidents or bullying.

#### **5 How to raise a concern or complaint**

- 5.1 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.
- 5.2 Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.
- 5.3 Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed in writing to the Chair of Governors, via the school office. Please mark them as Private and Confidential. Or via email [chairofgovernors@campsbourne.haringey.sch.uk](mailto:chairofgovernors@campsbourne.haringey.sch.uk)

- 5.4 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

- 5.5 For ease of use, a template complaint form is included at the end of this procedure.
- 5.6 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **6 Handling and investigating complaints**

- 6.1 The five stage procedure for dealing with complaints about the school which is based on increasing formality.
- 6.2 The first four stages are based within a school and most complaints will be resolved within these stages.
- 6.3 Where a complainant has exhausted stages 1 to 4 and remains dissatisfied, the complaint is escalated to Stage 5 which involves the Local Authority and where relevant other external bodies.
- 6.4 Three formal school-based stages should be sufficient for most schools:
 

Informal stage:	Complaint heard by staff member
Stage 1:	Complaint investigated by Headteacher
Stage 2:	Complaint considered by Chair of Governing Body
Stage 3:	Complaint heard by Governing Body Panel
Stage 4: (Optional)	Refer to an Independent Panel
Stage 5:	Local Authority Schools and Learning Department and in exceptional circumstances the Secretary of State (SoS).
- 6.5 Complaints about a member of staff not resolved informally should be dealt with at Stage 1 of the Complaints Procedure, and complaints about the Head teacher or about a Governor (other than the Chair of the Governing Body) should be dealt with Stage 2 of this procedure.
- 6.6 Complaints about the Chair of the Governing Body should be dealt with at Stage 3 of this procedure.
- 6.7 The Governing Body has overall responsibility for implementing and monitoring the complaints procedure and ensuring the complaints procedure is available, although this responsibility may be delegated to a pre-established Governing Body Complaints Committee, consisting of three or five members of the Governing Body. The Governing Body will endeavour to ensure that the composition of the panel reflects the community within the school is based.

6.8 The Headteacher has responsibility for the operation and management of the complaints procedure although this responsibility should be delegated to another member of staff who would co-ordinate complaints (Complaints Co-ordinator).

## **7 Anonymous complaints**

7.1 We will not normally investigate anonymous complaints as it can be difficult to fully investigate these matters and to maintain the identity of the complainant as this may become apparent in the course of an investigation. However, if the incidents described are specific enough either the Headteacher and /or the Chair of Governors depending on the nature of the complaint, will determine whether it is possible to be investigated.

## **8 Timescales**

8.1 A complaint must be raised within three months of the incident.

8.2 Where there are a series of associated incidents a complaint must be raised within three months of the last of these incidents.

8.3 The Headteacher and/or Governing Body may consider complaints made outside of this time frame if exceptional circumstances apply.

## **9 Complaints received outside of term time or on the last day of term**

9.1 Where a complaint is received outside of term time or on the last day of term, the timescales for responding alters as these complaints will be considered as being received on the first school day after the holiday period.

## **10 Timeframes for investigations**

10.1 Whilst needing to remain realistic and to allow a thorough investigation at each stage, time frames for investigations must recognise that complaints need to be considered and resolved as quickly and efficiently as possible. The proposed time limits for each stage of the procedure are detailed below:

Stage 1:	15 school term days (Mon to Fri during term time)
Stage 2:	20 school term days (Mon to Fri during term time)
Stage 3:	25 school term days (Mon to Fri during term time)

10.2 There may be a need for some flexibility within the procedure: for example, the possibility of further mediation between the complainant and a member of staff directly involved in the complaint. Where the issues or the circumstances warrant further or more detailed investigations the time limit can be extended. The new deadline and an explanation for the delay must be communicated to the complainant in writing.

## **11 Role of the Governing Body**

- 11.1 Complaints should not be shared with the whole Governing Body, except in very general terms, in case a Governing Body Panel at Stage 3 needs to be organised. The Governing Body will endeavour to ensure that the composition of the panel reflects the community within the school is based.
- 11.2 If the whole Governing Body is aware of the substance of the complaint before Stage 3 has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the Local Authority.
- 11.3 Complainants have the right to request an independent panel if they believe there is likely to be bias or has been bias in the proceedings at Stage 3. The Governing Body Panel hearing the complaint at Stage 3 should consider the request, but ultimately the decision is made by the panel. The panel needs to decide whether it is or has been actually or apparently biased. It will be apparently biased if a fair-minded and informed objective observer, having considered the facts, would conclude that there was a real possibility that the panel, or any member of it, was biased.
- 11.4 The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The Governing Body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure.
- 11.5 It is the Governing Body which determines how often the complaints procedure is reviewed. However, the Department for Education (DfE) suggests that it is good practice that it is reviewed regularly; every two to three years is quite typical. This policy is reviewed annually.
- 11.6 This will enable the school to take into account any new guidance or legislative changes which may be introduced by the DfE. Responsibility for reviewing the procedure may be delegated to a committee of the Governing Body, an individual governor or the Head teacher. If projected review dates are published on the policy document, they should be adhered to. Failure to do so could constitute a failure to adhere to policy.

## **12 Recording Complaints**

- 12.1 Schools must ensure that they meet the Public Sector Equality Duty and their other obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the

complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- a. A complaint may be made in person, by telephone, or in writing;
- b. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- c. Schools should record the progress of the complaint and the final outcome. The Head teacher or complaints co-ordinator should be responsible for these records and hold them centrally.
- d. Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.
- e. Where the complaint is made the school will endeavour to identify a member of staff / governor who, for example, based on their own characteristics, personal or work experience is able to act as an observer and accompany the head teacher or complaints co-ordinator to ensure that the investigation is carried out fairly and without prejudice. An example of a complaint recording form can be found at Appendix A.

### **13 Resolving Complaints**

13.1 In order to ensure the transparency and consistency of the investigation anyone investigating a complaint should ensure they:

- a. Establish what has happened and who has been involved
- b. Clarify the nature of the complaint and what remains unresolved
- c. If unsure or if further information is necessary, meet with the complainant or contact them
- d. Clarify what the complainant feels would put things right
- e. Interview those involved in the matter and/or those complained of allowing them to be accompanied if they wish
- f. Conduct the interview with an open mind and are prepared to persist in the questioning
- g. Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

13.2 At each stage in the procedure the investigator should keep in mind ways in which a complaint can be resolved and any anger and frustration defused. If a complaint is upheld in full or in part, it may be appropriate to offer one or more of the following:

- a. An apology
- b. An explanation

- c. Acknowledgement that the situation could have been handled differently or better (note: an acknowledgement that the school could have handled a situation better is not the same as an admission of negligence)
- d. An assurance that the event complained of will not recur
- e. An explanation of the steps that have been taken to ensure that it will not happen again
- f. A review of school policies in light of the complaint
- g. Mediation

13.3 Complainants should be encouraged to state what actions they feel might resolve the complaints. An effective process will identify areas of agreement between the parties. It is equally important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss outstanding issues.

#### **14 Complaints management information**

14.1 As well as addressing individuals' complaints, the process of listening to and resolving complaints can contribute to school improvement. Individual complaints may identify underlying issues that need to be addressed within the school. The monitoring and reviewing of complaints by the school and the Governing body is a useful tool in evaluating the performance systems within a school.

#### **15 Serial, Persistent and Unreasonable Complaints**

15.1 Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. Sometimes however what the school says can be hard to accept even though it is right. When someone contacts the school again and again repeating the same points, or asking the school to reconsider its position, the school will need to act appropriately.

15.2 There will be occasions when despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint, and stop responding. It is a poor use of schools' time and resources to continually reply to repeated letters emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

15.3 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

15.4 The School will not mark an individual as serial for exercising their right to refer their complaint to their Member of Parliament regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

## 16 Publishing the procedure

16.1 This policy will be available to parents and to members of the general public on the Schools website.

16.2 Where possible on reasonable request, the school will provide a copy in paper form. It is the responsibility of the school Governing Body to ensure the procedure is published.

## Appendix A: Complaint Form

Note: Although you are not required to submit your complaint using this form, it will assist the school in managing and investigating your complaint where this form is used.

If you do not use this form, please ensure that when you submit your response you provide the same level of detail.

<b>Date of complaint:</b>	
<b>Date alleged issue / incident happened:</b>	
<b>Name of complainant</b>	
<b>Complainant's contact details: E-mail Address: Home address: Telephone Number</b>	
<b>Name of Student: Class: Student's date of birth</b>	
<b>Who did you raise the complaint with at the School</b>	
<b>Is this the first time you have raised this matter with the school?:</b>	

<b>Details of the complaint:</b>

**What is your desired outcome?** Please note that it may not be possible for the school to meet your request, however, this will be considered as part of any investigation that may take place into your complaint.

Action taken	Outcome